

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
MAHONING COUNTY, OHIO**

IN THE MATTER OF:

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CASE NO. 09 DR OPEN

JOURNAL ENTRY

GUARDIANS AD LITEM

In accordance with Rule 48 of the Ohio Rules of Superintendence, which sets forth rules regarding appointed Guardians ad Litem effective March 1, 2009, the Court hereby adopts the following protocols:

A. Pursuant to Rule 48(C), all Guardian ad Litem Orders of Authority shall incorporate the new required language concerning the scope of the appointment, duration of the appointment, and notice of pleadings and hearings to be provided to the Guardian ad Litem.

B. Pursuant to Rule 48(G), the Court's Director of Family Services, Luis Arroyo, is appointed to carry out the following functions:

(1) Maintain and regularly update the list of approved Guardians ad Litem. The current list of approved Guardians shall be subject to a sixty (60) day review for compliance with training and other requirements set forth in this Entry.

(2) Establish criteria for the appointment and removal of a Guardian ad Litem. The initial minimum appointment criteria shall require the applicant to have:

- a) At least six (6) years experience in the practice of family law;
- b) Attended the pre-service training program presented by the Ohio Guardian ad Litem Training Program provided by the Ohio Network of Children's Advocacy Centers on December 6, 2007, or at such later date prior to March 1, 2009;
- c) Served as a guardian ad litem for this Court during the five years immediately preceding March 1, 2009 and commits to attending the pre-service training program referenced above within one year.

(3) Develop procedures to ensure an equitable distribution of the work load among the Guardians ad Litem on the list.

(4) Coordinate the application and appointment process which shall include:

- a) Developing a formal application to serve as Guardian ad Litem.

- b) Recommend candidates to the Judge for service as a Guardian ad Litem.
 - c) Provide information regarding training opportunities and post the same on the Court's Website and disseminate the same through posting, email and/or other means.
 - d) Receive written comments and complaints regarding the performance of Guardians ad Litem.
- (4) Maintain a separate file for all applicants and individuals approved for appointment as a Guardians ad Litem. The files shall, at a minimum, contain the following items:
- a) Resume stating the applicant's training, experience and expertise demonstrating the person's ability to successfully perform the job;
 - b) Certificate or other satisfactory proof of compliance with educational requirements which consist of:
 - 1) Attendance at a one time six (6) hour guardian ad litem pre-service course provided by the Supreme Court of Ohio or the Ohio Association's course, and
 - 2) Attendance at an annual three (3) hour continuing education course provided by the above entities;
 - c) Proof of Professional Malpractice Insurance
 - d) Evidence of the criminal and civil background check set forth below.
- (5) Conduct, or cause to be conducted, a criminal and civil background check and investigation of information relevant to the applicant's fitness to serve as a Guardian ad Litem.
- a) The criminal background check shall be secured from the Court Administrator via the Ohio Court's Network.
 - b) The civil background check shall be satisfied, on an initial basis, by the applicants completing an affidavit stating that none of the following are pending against the applicant or have occurred within the past six (6) years:
 - 1) criminal or civil domestic violence complaints or charges
 - 2) suspension of driver's license
 - 2) professional discipline complaints or sanctions
 - 3) personal bankruptcy filing

(6) Conduct, at least annually on or about March 1st of each year, a review of the Guardian ad Litem list to determine that all individuals are in compliance with the training and education requirements of this rule and local rules, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve. Written evidence of the review shall be maintained in the individual's file.

(7) Require all individuals on the list to certify annually, on or about March 1st of each year, that they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended.

(8) Serve as the person designated by the Court for accepting and considering written comments and complaints regarding the performance of Guardians ad Litem appointed by the Court. A copy of the comments or complaints shall be provided to the Guardian ad Litem in question, and in appropriate cases, forwarded to the Judge. Dispositions shall be made promptly and a written record shall be kept in the Guardian ad Litem's file regarding the nature and disposition of any comment or complaint. The person making the comment or complaint and the Guardian ad Litem shall be notified of the disposition.

IT IS SO ORDERED.

DATED: _____

HON. BETH A. SMITH